IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 16953 of 2004

Between:

Ravuru Malakondaiah, S/o. Kondaiah,
Annavaram Village, Jaladanki Mandal, Nellore District.

..... PETITIONER

AND

1. The Assistant Commissioner of Endowments, Nellore.
2 . Sri Kondandarama, Sri Poleramma, Sri Gangamma &
Sri Veerabramendra Swamy Templex, Annavaram Village, Jaladanki Mandal, Nellore District, Rep by its Single Trustee cum Executive Officer.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or writ, more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in issuing the notice No. nil/2004 dt. 1-8-2004 directing the petitioner to handover possession of the lands admeasuring Ac. 2-22 cents in S.No. 454 of Annavaram village, Jaladanki Mandal, Nellore District as illegal, arbitrary, without jurisdiction, violative of Articles 14 & 21 of the Constitution of India and contrary to the procedure laid down in the Rules framed in G.O.Ms.No. 379 Revenue (Endowments, I) Department dt. 11-3-2003 and set aside the said notice.

Counsel for the Petitioner:MR.V.SUDHAKAR REDDY

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court made the following :

ORDER:

The petitioner claims to be the cultivating tenant in respect of Ac.2.22 cents in S.No.454 of Annavaram Village, Jaladanki Mandal, Nellore District. This writ petition is filed questioning the notice dated 01.08.2004 issued by the 2nd respondent Temple directing the petitioner to handover possession of the land in question.

The only contention raised by the petitioner is that since he is a landless poor person and thus, entitled to the benefit of Section 82(2) of the Andhra Pradesh Charitable and Hindu Religious Institution and Endowments Act, 1987, the respondents are not justified in taking steps to dispossess him from the land in question.

I have heard the learned counsel for the petitioner and the learned counsel appearing for the 2nd respondent. Having regard to the facts and circumstances of the case and particularly keeping in view the fact that the petitioner is in possession of a small extent of Ac.2.22 cents, I deem it appropriate to dispose of the writ petition granting leave and liberty to the petitioner to make a representation with regard to his claim that he is a landless poor person before the 1st respondent- Assistant Commissioner of Endowments, Nellore within a period of four weeks from today, in which event, the Assistant Commissioner of Endowments, Nellore shall consider the same and pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of four weeks thereafter. Till such orders are passed, the petitioner shall not be dispossessed from the land in question.

Accordingly, the writ petition is disposed of. No costs.

_____

25.10.2004

sh

To

1. The Assistant Commissioner of Endowments, Nellore.
2 . The Trustee cum Executive Officer, Sri Kondandarama,
Sri Poleramma, Sri Gangamma & Sri Veerabramendra Swamy
Templex, Annavaram Village, Jaladanki, Mandal, Nellore District.

3. 2CCs to the G.P. for Endowments, High Court Buildings, Hyderabad.

5. 2CD copies